

EXHIBIT B

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

SUFFOLK COUNTY WATER
AUTHORITY,

Plaintiff,

-against-

THE DOW CHEMICAL COMPANY,
FERRO CORPORATION, VULCAN
MATERIALS COMPANY, PROCTER &
GAMBLE COMPANY, and SHELL OIL
COMPANY, individually and doing business
as SHELL CHEMICAL LP,

Defendants.

AND ALL RELATED CASES

Case No. 17-CV-6980-NG-RLM

Hon. Nina Gershon

DEFENDANT PRELIMINARY FACT SHEET

This Defendant Preliminary Fact Sheet is to be completed by each Defendant in *Suffolk County Water Authority v. The Dow Chem. Co. et al.*, No. 2:17-cv-6980, and any action marked as related to it.

The Parties recognize that responding to this fact sheet is an efficient alternative to initial disclosures and agree that the early exchange of the information below will assist them in prioritizing certain discovery and determining appropriate case management procedures. To that end, providing the responses below does not waive a Defendant's objection to the scope of discovery in this action or whether the information requested below is ultimately relevant or likely to lead to the discovery of admissible evidence. Nor do the responses below waive objections otherwise permitted by the Federal Rules of Civil Procedure (e.g., privilege, premature expert discovery, etc.).

For the purposes of this Fact Sheet, "you" and "your" refer to the Defendant's company completing the Fact Sheet. In completing this Fact Sheet, you must provide information that is true and correct to the best of your knowledge at the time you provide the responses below. If you do not currently know all the details requested, please provide as much information as you can. To the extent that any response requires additional space, please insert additional space or attach a continuation sheet referencing the question at issue.

While your responses below should contain true and correct information to the best of your knowledge, your responses may be amended or supplemented at any time during this litigation. If, after submitting this Fact Sheet, you learn of additional information that would make any information provided below inaccurate or incomplete, you must amend and/or supplement your responses within a reasonable amount of time after learning of such information.

I. CASE INFORMATION

1. **Case Names in which you are a Defendant in any of the *Suffolk County Water Authority v. Dow Chemical Co. et al.* and related cases pending in this Court (the Complaints in such cases hereinafter, "Relevant Complaints)":**

II. DEFENDANT INFORMATION

2. **Defendant:** _____
3. **Defendant's Address:** _____
4. **Identify the business organizational structure of Defendant (i.e., corporation, limited liability company, partnership, etc.):**

If you are a corporation, identify date of incorporation and under which state's laws the corporation was formed: _____

5. If Defendant is a successor in interest:

a. Name of entity you succeeded: _____

b. Date you became successor: _____

c. Did you assume any liabilities for the entity you succeeded? ☐ Yes ☐ No

6. To be answered by Dow, Ferro and Vulcan only: Identify any business units that played a role in manufacturing, designing, distributing, marketing/advertising, or otherwise producing 1,4-dioxane or 1,4-dioxane-stabilized 1,1,1-trichloroethane.

7. To be answered by Shell only: Identify any business units that played a role in manufacturing, designing, distributing, marketing/advertising, or otherwise producing ethoxylated surfactants.

8. To be answered by Procter & Gamble only: Identify any business units that played a role in manufacturing, designing, distributing, marketing/advertising, or otherwise producing products made with 1,4-dioxane and/or 1,4-dioxane-stabilized trichloroethane.

9. For each business unit you identify in Questions 6-8, provide, if available, representative organizational charts and/or documents sufficient to show the organizational hierarchy.

10. Do you have insurance that is or could be available to you for one or more of the claims alleged in the Relevant Complaints? ☐ Yes ☐ No

- a. If yes, generally describe the type and scope of insurance that is or could be available.

11. Identify which of the following organizations you are a member of:

- a. American Chemistry Council
- b. American Cleaning Institute
- c. American Coatings Associations
- d. American Composites Manufacturing Association
- e. Association for Manufacturing Excellence
- f. Association for Manufacturing Technology
- g. American National Standards Institute
- h. Chemical Coaters Association Institute
- i. Chlorine Institute
- j. Consumer Specialty Products Association
- k. Consumer Technology Association
- l. Household and Commercial Products Association
- m. Independent Lubricant Manufacturers Association
- n. International Association of Plastics Distribution
- o. FluoroCouncil
- p. Laboratory Products Association
- q. Manufacturers' Agents National Association
- r. Manufacturers Alliance for Productivity and Innovation
- s. National Association of Manufacturers
- t. National Center for Manufacturing Sciences
- u. National Association of Chemical Distributors
- v. National Technology and Manufacturing Association
- w. Personal Care Products Council
- x. Plastics Industry Association
- y. Society of Manufacturing Engineers

12. Have you ever manufactured 1,4-dioxane? ☐ Yes ☐ No

13. If your answer to Question 12 is yes, list all addresses where you manufactured 1,4-dioxane, all date ranges during which you manufactured 1,4-dioxane at those locations, and the approximate quantities of 1,4-dioxane you manufactured at those locations.

Addresses (and names of entities if different than yours) Where You	Dates You Manufactured 1,4-Dioxane at This Address	Quantity of 1,4-Dioxane Manufactured at This Address Through the
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Manufactured 1,4-Dioxane		Dates Referenced

14. Have you ever produced 1,4-dioxane-stabilized 1,1,1-trichloroethane? ☐ Yes ☐ No

15. If your answer to Question 14 is yes, list all addresses where you produced 1,4-dioxane-stabilized 1,1,1-trichloroethane, all date ranges during which you produced 1,4-dioxane-stabilized 1,1,1-trichloroethane at those locations, and the approximate quantities of 1,4-dioxane-stabilized 1,1,1-trichloroethane you produced at those locations.

Addresses (and names of entities if different than yours) Where You Produced 1,4-Dioxane-Stabilized 1,1,1-Trichloroethane	Dates You Produced 1,4-Dioxane-Stabilized 1,1,1-Trichloroethane at This Address	Quantity of 1,4-Dioxane-Stabilized 1,1,1-Trichloroethane Produced at This Address Through the Dates Referenced

16. Did you ever sell 1,4-dioxane and/or 1,4-dioxane-stabilized 1,1,1-trichloroethane to any entity or individual in a County in which one or more Plaintiffs operate any wells, as alleged in the Relevant Complaints (hereinafter, “Relevant Counties”)?

☐ Yes ☐ No

If yes, list all entities/individuals to whom you sold the chemical compounds listed above and specify which compound you sold to that entity/individual:

Entity/Individual	Chemical Compound Sold

17. If your answer to Question 12 or 14 is yes, list any other entities you know or have reason to believe distributed 1,4-dioxane and/or 1,4-dioxane-stabilized 1,1,1-trichloroethane to any entity or individual in any Relevant Counties.

Distributing Entity/Individual	Chemical Compound Sold

18. Describe your distribution system and/or network, if any, for wholesale and retail sales of 1,4-dioxane to and within the Relevant Counties.

19. Describe your distribution system and/or network, if any, for wholesale and retail sales of 1,4-dioxane-stabilized 1,1,1-trichloroethane to and within the Relevant Counties.

20. Identify the names under which you sold and/or marketed 1,4-dioxane.

21. Identify the names under which you sold and/or marketed 1,4-dioxane-stabilized 1,1,1-trichloroethane.

22. Identify the names under which you sold and/or marketed products made with 1,4-dioxane and/or 1,4-dioxane-stabilized 1,1,1-trichloroethane.

23. Identify your label language for 1,4-dioxane that accompanied the product(s) to distributors or purchasers of 1,4-dioxane and/or consumers of products made with 1,4-dioxane.

24. Identify your label language for 1,4-dioxane-stabilized 1,1,1-trichloroethane that accompanied the product(s) to distributors or purchasers and/or consumers of products made with 1,4-dioxane-stabilized 1,1,1-trichloroethane

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25. Provide labels you used for 1,4-dioxane and/or 1,4-dioxane-stabilized 1,1,1-trichloroethane.
 26. Provide labels you used for products made with 1,4-dioxane and/or 1,4-dioxane-stabilized 1,1,1-trichloroethane.
 27. Provide advertisements for your 1,4-dioxane and/or 1,4-dioxane-stabilized 1,1,1-trichloroethane.
 28. Provide any instructions you received or provided for use of 1,4-dioxane and/or 1,4-dioxane-stabilized 1,1,1-trichloroethane.
 29. Provide any warnings you received or provided regarding the manufacture, handling, use and disposal of 1,4-dioxane and/or 1,4-dioxane-stabilized 1,1,1-trichloroethane.
 30. Provide all Material Safety Data Sheets you received or provided relating to 1,4-dioxane and/or 1,4-dioxane-stabilized 1,1,1-trichloroethane.
 31. Identify all business units that you know, or have reason to know, conducted or received investigations and/or research regarding environmental, toxicological, and human health effects of 1,4-dioxane and/or other products and compounds made with 1,4-dioxane.
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32. Identify all business units that you know, or have reason to know, were involved in publications, media, and/or press related to the environmental, toxicological, and human health effects of 1,4-dioxane and/or other products and compounds made with 1,4-dioxane.
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33. Identify your uses, if any, for 1,4-dioxane and/or 1,4-dioxane-stabilized 1,1,1-trichloroethane.
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34. Identify all entities or individuals from whom you purchased 1,4-dioxane and/or 1,4-dioxane-stabilized 1,1,1-trichloroethane.

Entity/Individual	Product Purchased	Date of Purchase	Quantity Purchased

35. List any sites/geographic locations (including addresses) in all Relevant Counties in which you stored, used, and/or disposed of 1,4-dioxane and/or 1,4-dioxane-stabilized 1,1,1-trichloroethane.

Sites (including names of companies if different than yours) and Addresses	Product(s) Stored, Used, and/or Disposed of at These Sites	Dates of Storage, Use, and/or Disposal

36. For any of the sites listed in response to Question 35, have you conducted any investigation, remediation, cleanup, and/or restoration related to 1,4-dioxane and/or 1,4-dioxane-stabilized 1,1,1-trichloroethane? ☐ Yes ☐ No

a. If Yes, identify the sites and approximate dates of the investigation, remediation, cleanup, and/or restoration:

37. Identify the name and, if known, the address of each individual likely to have discoverable information—along with the subjects of that information—that you may use to support your claims or defenses. This request does not include disclosure of experts or consultants.

38. Describe by category and location all documents, electronically stored information, and tangible things that you have in your possession, custody, or control and may use to support your claims or defenses.

By: _____

Print Name and Title/Relationship to
Defendant

Date